

Agenda Item No. 3.1
For Agenda of 6-13-06



Tigard City Council Meeting Minutes

Date: May 9, 2006
Time: 6:31 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard
Tigard, Oregon

Attending: Mayor Craig Dirksen Presiding
Councilor Sally Harding
Councilor Sydney Sherwood
Councilor Nick Wilson

Absent: Councilor Tom Woodruff

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session	<p>Mayor Dirksen called the meeting to order at 6:31 p.m.</p> <p>The City Manager performance review was rescheduled to the study session of June 13, 2006 in Executive Session.</p> <p>Review and discuss entry sign: Assistant to the City Manager Newton reviewed the concept drawings with the Council. Council noted preference for wood or stone materials. Council members discussed ideas including the following:</p> <ul style="list-style-type: none">> Suggestion for plantings around sign - trees could appear at the back of the sign and small shrubs at the front.> The sign scale should be in proportion to the site.> Staff will prepare another rendition of the drawings for Council review.> The Council noted a preference for traditional elements in the sign with some modern touches; should not be construed as "old-fashioned."> Both sides of the sign should be readable with contrast in the letters and background.> The Mayor noted his preference for river stone.> There was some discussion that the signage did not necessarily have to be the same as what is placed in the downtown.> Councilor Wilson noted there was a need to set	

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	<p>the tone.</p> <p>Council reviewed a map of potential gateway locations and for a location near a freeway entrance. There was discussion about placing a smaller version of the entrance signs for parks. The Mayor suggested some type of archway over a pedestrian path.</p> <p>Council members reviewed letterhead examples presented by Assistant to the City Manager Newton. Council members selected the preferred illustration. Assistant to the City Manager Newton will proceed with the Council's preferred option.</p>	
	<p>Staff Report on House Interim Committee on Land Use meeting. Staff presenter: Interim Community Development Director Coffee.</p> <p>The Committee met on April 26, 2006. Mr. Coffee advised that Lisa Hamilton-Treick and a representative from the League of Oregon Cities gave a report. The League of Oregon Cities' PowerPoint presentation is included in the meeting materials on file in the City Recorder's Office. Representatives Krummel and Galizio were present at the April 26 meeting. The Committee took testimony from about 10-12 people speaking about annexation. Gretchen Buehner from the city of Tigard also submitted a letter to the group for their review. The Committee will be working in the next six months to draft annexation legislation recommendations.</p> <p>There was discussion about a recent meeting hosted by Metro with regard to the potential incorporation of a city on Bull Mountain. City Manager Prosser reported that he attended the meeting and when he suggested that the City would be reviewing the impact on Tigard, representatives from the Bull Mountain group indicated that they did not believe that inefficient services would be a valid concern. Essentially, they stated that they thought the only thing that should be of consideration is what the voters want.</p>	

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	<p>There was further discussion about Metro requirements with regard to quality of life and land use issues. Councilor Harding noted that the Tualatin Basin Natural Resources Coordinating Group wants to support down-zoning. Staff will monitor the legislative activity on this matter.</p> <p>The Mayor questioned whether there would be a need to mount an aggressive defense with regard to curtailing the city's abilities to annex. He suggested a letter be drafted to cities to determine the level of support regarding Tigard's concerns about this issue. Councilor Harding suggested the approach should be to determine whether other cities are concerned about annexation issues. Councilor Wilson questioned how much energy should be expended on this matter and noted that it might be worthwhile extricating the City of Tigard from extra-territorial responsibilities, including water. Councilor Sherwood noted her agreement with Councilor Wilson's proposal. Councilor Harding urged that the Council keep an open mind to determine what is driving the problems. She expressed her desire to improve the quality of life. She noted that the issue of annexation among the unincorporated area does not appear to be monetary. Councilor Sherwood said that it appears that the County is willing to again provide urban services. Mayor Dirksen suggested that the City of Tigard look into finalizing their boundaries. Councilor Wilson said he was not suggesting that the City be silent on the matter, but rather, be focused on things that will move us forward. He did not disagree that a letter could be sent to other cities to determine their level of concern and support for this matter. Council consensus was that a letter be written to other cities on the approach to the annexation issue and potential legislation.</p>	
	<p>It was noted that next week's meeting, May 16, will start at 6 p.m. with an Executive Session.</p> <p>City Manager Prosser noted there appears to be some overlap with regard to the Citizen Leadership Program that is going to be sponsored by the</p>	

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	<p>Chamber of Commerce and had been presented by the City of Tigard last year. The City has contributed \$5,000 to the Chamber's Leadership Program and it appears they will be asking the City staff to present information to participants. Council consensus was to coordinate with the Chamber in their leadership seminar as a pilot program for this next year to help it succeed.</p> <p>Council was reminded that the 5th Tuesday Meeting is scheduled for May 30, from 7-9 p.m. in the Tigard Water Auditorium. Consensus of the Council was that a staff person should be present to take notes and that Stacie Yost be there to facilitate the meeting.</p> <p>The Tigard City Council went into Executive Session at 7:18 p.m. to discuss exempt public records under ORS 192.660(2)(f).</p> <p>The Council was out of Executive Session at 7:32 p.m.</p>	
Business Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:38 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, and Wilson.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications & Liaison Reports:</p> <p>Councilor Harding updated City Council on the activity of the Tualatin Basin Natural Resources (TBNRC) regarding Title 13 and the Committees support for habitat friendly, low-impact provisions in Comprehensive Plans for development with the Basin.</p> <p>Councilor Harding updated City Council on activity of the Washington County Coordinating Committee. She reported that there are new restrictions on dollars available for pedestrian and bicycle paths. She also advised that the STIP project list has been narrowed.</p>	

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	1.5 Call to Council and Staff for Non-Agenda Items: None									
2. Proclaim Emergency Medical Services Week	The Mayor proclaimed that Emergency Medical Services Week was May 14-20, 2006. Representatives from Metro West, Justin Gold and Tarr Karasotias, presented the Council with a plaque and invited them to a barbecue on May 18 at the Metro West Offices in Hillsboro.									
3. Citizen Communication	<p>3.1 Citizen Communication: There was none.</p> <p>3.2 Tigard High School envoy Krista Foltz gave a report on the activities at Tigard High School. A copy of the highlights of her presentation is on file in the City Recorder's Office.</p> <p>Mayor Dirksen noted that this would be the last meeting for Krista Foltz to present her report on the Tigard High School student activities to the Council. The Council had before it a Resolution for consideration to acknowledge the work done by Ms. Foltz this past year in her role as the student envoy.</p> <p><i>RESOLUTION NO 06-25 – A RESOLUTION ACKNOWLEDGING AND COMMENDING KRISTA FOLTZ FOR HER EFFORTS AS THE TIGARD HIGH SCHOOL STUDENT ENVOY TO THE CITY OF TIGARD.</i></p>	<p>Motion by Mayor Dirksen, seconded by Councilor Wilson, to adopt Resolution No. 06-25.</p> <p>The motion was adopted by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes
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4. Consent Agenda	<p>4.1 Approve Council Minutes for March 28, April 4, 11, and 18, 2006</p> <p>4.2 Receive and File:</p> <ul style="list-style-type: none">a. Council Calendarb. Tentative Agenda <p>4.3 Approve Budget Amendment No. 12 to the FY 2005-06 Budget to Increase Appropriations in the Mayor and Council Budget for Funding of Expenditures for Family Week and Additional Travel and Training – Resolution No. 06-26</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Wilson, to approve the consent agenda as presented.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes
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	<p><i>RESOLUTION NO 06-26 – A RESOLUTION APPROVING BUDGET AMENDMENT #12 TO THE FY 2005-06 BUDGET TO INCREASE APPROPRIATIONS IN THE MAYOR AND COUNCIL BUDGET FOR FUNDING OF EXPENDITURES FOR FAMILY WEEK AND ADDITIONAL TRAVEL AND TRAINING.</i></p> <p>4.4 Appoint Patrick Harbison to the Planning Commission to Fill the Unexpired Term of Former Commissioner William Haack – Resolution No. 06-27</p> <p><i>RESOLUTION NO 06-27 – A RESOLUTION APPOINTING PATRICK HARBISON TO THE PLANNING COMMISSION TO FILL THE UNEXPIRED TERM OF FORMER COMMISSIONER WILLIAM HAACK.</i></p>	
5. Youth Advisory Council Update	<p>Staff Presenter: Assistant to the City Manager Newton</p> <p>Youth Advisory Council Members Present: Alexander Carsh and Sidney Tan.</p> <p>Mr. Carsh and Ms. Tan reported to the Council on activities of the Youth Advisory Council. The Council sponsored a Youth Summit, "Get a Voice, Be Heard," which was held on March 16 at Twality Middle School. Speakers presented information on subjects such as leadership, drug abuse, time and stress management, personal achievement, selecting/preparing for college, signs of depression, peer court, nutrition and wellness. Plans are underway for a 2007 Youth Summit.</p> <p>The Youth Advisory Council is also working on a promotional video and a cable show. The Youth Advisory Council has a website: www.twac.info that is regularly updated. The Council is going to sponsor a movie night as part of Family Week.</p> <p>Mayor Dirksen commented that the Youth Summit was well organized and he urged youth to attend as there was room for more participants. Councilor Sherwood added that she has worked with the youth</p>	

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	<p>from the Council at the homeless shelter and appreciated their contributions.</p>	
<p>6. Public Hearing – (Quasi-Judicial) Comprehensive Plan Amendment (CPA2004-00001/Sensitive Lands Review (SLR) 2004-00003 & 2006-00001/Tree Removal (TRE) 2006-00001-2006-00009-SW Wall Street Extension</p>	<p>Public Hearing – (Quasi-Judicial) Comprehensive Plan Amendment (CPA2004-00001/Sensitive Lands Review (SLR) 2004-00003 & 2006-00001/Tree Removal (TRE) 2006-00001-2006-00009-SW Wall Street Extension</p> <p>City Attorney Firestone reviewed the quasi-judicial procedures for the hearing. A copy of the written format followed by Attorney Firestone is on file in the City Recorder's Office.</p> <p>Mayor Dirksen opened the Public Hearing.</p> <p>Declarations or Challenges: In response to the question as to whether any members of the Council wished to report ex parte contact or information gathered outside the hearing, including site visits, there was a comment that Council members should impart any information that they noticed in their visits to the Library. All Council members were familiar with the application.</p> <p>There were no challenges from the audience pertaining to the Council's jurisdiction to hear the matter, nor was there a challenge on the participation of any Council member.</p> <p>Associate Planner Igarta presented the staff report and the PowerPoint presentation reviewed by him is on file in the City Recorder's Office.</p> <p>The following maps were on display and referred to by staff and participants in the hearing:</p> <p>Exhibit 1 – Wall Street Comp Plan Amendment Exhibit 2 - A map marked with the letter "A" Exhibit 3 – A map marked with the letter "B" A map marked with the letter "C" - Wall Street: Extension Street and Utilities Improvement A map marked with the letter "D" - Wall Street Extension Street and Utilities Improvements</p>	<p>Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Ordinance No. 06-05, as amended. (Amendment was to Sections 4 and 5; see description below on Pages 10 and 11 of May 9, 2006, City Council meeting minutes.)</p> <p>After the number and title of the ordinance was read by the City Recorder, Mayor Dirksen commented on that part of the title mentioning the removal of protection to wetlands. He noted that the final outcome to this will be the enhancement of the wetlands and an increase in acreage to wetlands in the area.</p> <p>The motion was approved by a majority vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding No Councilor Sherwood Yes Councilor Wilson Yes</p>

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	<p>construct the Tigard Public Library.</p> <ul style="list-style-type: none"> ◆ To meet Oregon Department of Transportation (ODOT) access management and Tigard Development Code minimum access spacing requirements, it was agreed to provide joint access to both sites. ODOT authorized temporary access onto Hall Boulevard. ◆ Required permits were reviewed including a Sensitive Lands Permit, Tree Removal Permit as well as Tree Mitigation requirements. ◆ A Comprehensive Plan Amendment was required for the proposed impacts to significant wetlands identified on the City of Tigard's wetland and stream corridor map under the requirements of statewide Planning Goal 5. ◆ The applicant also submitted permits from Clean Water Services for encroachment into the designated vegetative corridor; the Department of State Lands, and the US Army Corps of Engineers for proposed removal and fill of materials from wetland areas. ◆ The review criteria to be considered includes any applicable provisions of the City's implementing ordinances; any applicable Comprehensive Plan Policies; any applicable Metro regulations; any applicable Statewide Planning Goals and Guidelines; and any applicable Federal and State regulations. ◆ All criteria are listed in the staff report. ◆ Key findings included: <ul style="list-style-type: none"> ○ The applicant has made a number of adjustments to minimize intrusion into the sensitive lands areas, including selecting an alignment based on an alternative analysis of nine options to minimize impacts and to allow for mitigation opportunities. ○ In fall 2005, a redesign for alignment was performed to mitigate for sensitive lands. As a result, the length of the roadway was reduced from 425 feet to 360 feet to avoid the 100-year floodplain. Wetland impacts were reduced .25 acre to .11 acre. Riparian corridor impacts were reduced from .56 acre to .42 acre. ○ Mitigation opportunities were outlined for wetland creation, enhancement, and 	

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	<p>restoration. Newly created and restored wetland and riparian resources will be added to the inventory of locally significant sites. The existing Pinebrook Creek channel will be replaced with a reconstructed channel that will follow a historic stream alignment that will eliminate negative impacts from downstream hydrology and water quality from past modifications to the stream from its natural state. Reconfiguration and installation of new culvert will allow for passage in Pinebrook Creek. Tree mitigation will total 336 caliper inches, which is 369 percent greater than the 91 caliper inches required for mitigation.</p> <ul style="list-style-type: none"> ◆ Staff finds that the proposed Wall Street Extension meets applicable review criteria and sufficient evidence has been presented to justify proposed impacts to sensitive lands, tree removal, and to the requested Comprehensive Plan Amendment. ◆ Staff recommends that the City Council approve the proposed Wall Street Extension subject to the conditions stated in the Staff Report. ◆ An ordinance was prepared for the City Council's consideration. A revised draft ordinance was distributed to add two paragraphs. The following paragraphs were added (Sections 4 and 5): <ul style="list-style-type: none"> ○ <i>Section 4 – The Tigard City Council adopts the City of Tigard's staff report dated April 3, 2006, and the addendum to the staff report dated April 25, 2006, and the letter prepared by Group MacKenzie dated April 17, 2006, in response to submitted public comments as findings in support of this decision. Copies are attached hereto as Exhibit B, Exhibit C, and Exhibit D, respectively and are incorporated herein by reference.</i> <p>(All of the Exhibits referred to in Section 4 were included in the City Council meeting packet and no changes were made to those documents.)</p> ○ <i>Section 5 – The Tigard City Council adopts the Conditions of Approval as stated on Page 2 of the</i> 	

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	<p>A copy of the staff report and information submitted to the City Council members for their review is on file in the City Recorder's Office. This information includes the following:</p> <p>Attachment 1: Ordinance Approving Sensitive Lands Review SLR2004-00003 and SLR2006-00001, Tree Removal TRE2006-00001 through 2006-00009, Comprehensive Plan Amendment CPA2004-0001 to remove Goal 5 Protection from the Resources to be Impacted by Construction of the SW Wall Street Extension and to add Newly Created and Restored Wetland and Riparian Resources to the Inventory of Locally Significant Sites.</p> <p>Attachment 2: Staff Report</p> <p>Attachment 3: Addendum to the Staff Report</p> <p>Attachment 4: Letters of Public Comments</p> <p>Attachment 5: Responses to Public Comments</p> <p>Attachment 6: Planning Commission Hearing Minutes</p> <p>Associate Planner Igarta presented the staff report for the proposed extension of SW Wall Street. Key points were:</p> <ul style="list-style-type: none"> ◆ City Engineer Department requested concurrent review of the Comprehensive Plan Amendment, Sensitive Lands Review, and Tree Permits, to construct Phase One of this project. ◆ On April 30, the Planning Commission held a public hearing considering this proposal and voted unanimously to recommend approval to the City Council. ◆ The City Council will make the final decision on whether to approve the proposal. ◆ Project location was described. ◆ The proposed roadway length is 360 feet, with a 72-foot right-of-way width. ◆ The primary purpose of the project is to provide joint access for the Library and the Fanno Pointe Condominiums and then removing two interim driveways now being used for both of these sites. ◆ In January 2003 a private developer received approval to construct the Fanno Pointe Condominiums. ◆ In April 2003 the City received approval to 	

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	<p><i>City of Tigard Staff Report dated April 3, 2006. A copy is attached hereto as Exhibit B and incorporated herein by reference.</i></p> <p>Public Testimony:</p> <p>Mayor Dirksen reviewed the order in which testimony would be taken: applicant, proponents, opponents, and rebuttal. Once the City Council has heard all of the testimony and the City Council has had an opportunity to ask questions, then the staff will give their recommendation. The Mayor said he would then close the public hearing.</p> <p>Mayor Dirksen noted that no one had signed in to speak for or against the proposal. However, he said they would begin the testimony by receiving the applicants' comments and then the Mayor will ask if there are individuals present who would like to speak.</p> <p>Applicant:</p> <ul style="list-style-type: none"> ○ Geraldine Moyle, Land Use Planner with Group Mackenzie, 0690 SW Bancroft, Portland, Oregon 97214, advised the DeHaas Engineering, SWCA Environmental Consultants, and Group MacKenzie are the consultant team hired by the City of Tigard's Engineering Department to design this project. They have worked with the staff and public the past few years to resolve issues. Highlights of Ms. Moyle's remarks are as follows: <p style="padding-left: 40px;">Wall Street is on the Transportation System Plan and is identified in the TSP to extend from Hall Boulevard to Hunziker Street. The portion of the street that is before the City Council at this time is Wall Street from Hall Boulevard extending to the east 360 feet. This 360 feet is contained in the Capital Improvement Program (aka Community Investment Program) and it is anticipated, upon approval, to be initiated with construction.</p>	

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	<p>This portion of Wall Street will provide access to the Library and to the Fanno Pointe Condominiums. Both of these properties have temporary access along Hall Boulevard; that access was granted by ODOT with the understanding that permanent access to the Library and Condominiums would be provided with the Wall Street Extension.</p> <p>The Extension was reduced to 360 feet, which is the minimum distance needed to provide access and to meet the stacking distance requirements and turning radius for people making left turns off of Wall Street to Hall Boulevard.</p> <p>The consultants worked with City staff to respond to public comments and at this time, the consultants have no issues with any of the conditions of approval.</p> <p>Marlin DeHaas of DeHaas and Associates presented information about the street design. City of Tigard retained this firm in 2002 to assist with the engineering of the connection of Wall Street from Hall Boulevard to Hunziker for a local improvement district. Because of difficulties including timing and gaining approval for crossing of two railroads tracks between Fanno Pointe and Hunziker, the City decided to build only a portion, 360 feet, of Wall Street. Mr. DeHaas referred to the maps noted as Exhibits and clarified that north is always "up."</p> <p>Mr. DeHaas noted part of the project was the signalization of the intersection at Hall Boulevard and Wall Street. Because of the safety issues at the Library and all of the traffic, the light has been installed.</p> <p>The current street alignment was selected from nine alternatives for the route from Hall Boulevard to Hunziker Street. The</p>	

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	<p>selected alignment best addressed environmental issues and satisfied the Department of State Lands, Corps of Engineers, Oregon Department of Fish & Wildlife, and Clean Water Services.</p> <p>Wall Street is a minor collector street with two travel lanes, a center left-turn median, two two-foot bike lanes, two five-foot planter strips, six-foot sidewalks, and public utility easements (power, cable television, gas, telephone) on both sides of the street.</p> <p>Mr. DeHaas said the purpose of this section of Wall Street is to remove the direct accesses onto Hall Boulevard. Those accesses would be relocated to the east end of this section of the street, opposite each other as shown in Exhibit A (map).</p> <p>A major issue was the realignment and restoration of the Pinebrook Creek to its historic channel. Mr. DeHaas described the activities that would need to take place to realign the creek, including construction of a fish-friendly culvert.</p> <p>Mr. DeHaas introduced Stacy Benjamin, Wetland Ecologist from SWCA Environmental Consultants, 434 NW Sixth Avenue, Suite 304, Portland, OR 97209. Ms. Benjamin has been working for the City since 2003 to obtain the wetland removal and fill permits from the Department of State Lands and the Corps of Engineers as well as the service-provider letter from Clean Water Services. This project proposed .011 of an acre of impact to Pinebrook Creek and associated wetlands. The proposed mitigation plan calls for relocating Pinebrook Creek slightly south of its existing location and connecting it to Fanno Creek. Ms. Benjamin referred to Exhibit A (map) and described the area, including the proposed relocation of the creek. Mitigation also includes creation and enhancement of</p>	

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	<p>stream-associated wetlands. Ms. Benjamin referred to Exhibit D (map) and described ponds to be enhanced and the wetlands to be created and restored. There will be more than one-half acre of wetland mitigation for the .011 of an acre that will be impacted.</p> <p>Ms. Benjamin said that the existing condition of Pinebrook Creek and its wetland have been extensively modified from its historic condition from its prior land use on the site including two online ponds. The creek's hydrology was altered and its connection to Fanno Creek had been cut off. This connection will be restored through an historic channel that had dried up. Fish passage can occur during high flows from Fanno Creek into Pinebrook Creek for cutthroat trout and steelhead.</p> <p>Invasive species of vegetation will be removed from the wetlands. The diversity of native trees and shrubs will be increased to improve wildlife habitat in the long term.</p> <p>Ms. Benjamin said there is approximately 200 feet of stream channel that would be filled with 550 feet of new stream channel created. She referred to the fish-friendly culvert to be installed under the Fanno Pointe access as part of the improvements for fish habitat.</p> <p>Ms. Benjamin noted there is some impact to sensitive lands and she referred to Exhibit C (map) to describe. There are nine viable trees greater than 12 inches in diameter that will be removed. The required mitigation would be to plant 91 caliper inches; they proposed to plant 336 caliper inches. The area where the new plantings will occur is considered a vegetative corridor by Clean Water Services. The 241 trees to be planted will be native trees. They also plan to plant approximately 1200 native shrubs throughout the area. She said these would</p>	

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	<p>be a huge increase in improvement to the wildlife habitat as a result of this project.</p> <p>In response to Councilor Wilson who asked if Pinebrook Creek was large enough to support cutthroat trout, Ms. Benjamin said it was, but during the high flows only. Councilor Wilson said in previous hearings that people have testified that there are western pond turtles in the area and he asked Ms. Benjamin to comment. Ms. Benjamin said their wildlife biologist talk to some people to get their observations. There have been observations in the general area of City Hall and north of Fanno Creek. The pond that is to be revised along Pinebrook Creek is not good turtle habitat according to their wildlife biologist. There are some better ponds to the north of Fanno Creek (and north of the Library site) where there are cooler, more shaded, and deeper ponds that have some beneficial in-water structures such as logs.</p> <p>The ponds were man-made and Ms. Benjamin advised they had seen aerial photos dating back to the 1930's. It looked as if between 1930's to 1950's, two ponds were created by pushing up berms and putting in concrete at the downstream end. The ponds are not natural features and they do heat up in the summer. When the water eventually makes its way to Fanno Creek, it creates thermal pollution. The ponds will be retained as seasonal ponds but would dry up in the summer, which would be beneficial for the area.</p> <p>At the request of Mayor Dirksen, Ms. Benjamin referred to a map and described the point at which Pinebrook Creek would go into Fanno Creek when reconfigured.</p> <p>In response to a question from Mayor Dirksen, Ms. Benjamin pointed to a map</p>	

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	<p>where two large cedars were located that would need to be removed. The area will be regraded to recreate the stream channel making it necessary to remove the two trees. In the long term, much more tree cover and diversity will be provided than what is now there. In response to a question whether there was any possibility of reconfiguring the project to save the trees, Ms. Benjamin advised they were constrained because of fill slope and the location of Fanno Pointe Condominiums. If the trees were to be saved, then they could not create a functioning stream.</p> <p>Mayor Dirksen asked about the original length of the street, which was to be 425 feet and then reduced to 360 feet. Mr. DeHaas confirmed that the street was originally 425 feet, but it was shortened so no fill would be constructed in the 100-year flood plain.</p> <p>Mayor Dirksen asked when the new entrance to the condominiums is put in, will the existing entrance onto Hall Boulevard still exist? Mr. DeHaas said that the existing entrance will be removed and landscaped similar to the frontage that is now there. There is turn around capacity for emergency vehicles, so the existing entrance will not be needed for emergencies.</p> <p>Councilor Harding referenced a citizen comment contained in the written materials before the City Council noting that excavation appears to be called for in the 100-year floodplain while at the same time stating that development within the 100-year floodplain has been avoided. Councilor Harding said the floodplain map was updated recently with new information released to local jurisdictions and she asked which maps were used for this project. Mr. DeHaas said he believed they had the latest information on the floodplain and they determined the floodplain in the area as</p>	

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	<p>141.4 elevation. Mr. DeHaas said there would be some minimal grading involved with the relocation of the stream, but there will be no roadway fill in the floodplain. In response to a question from Mayor Dirksen regarding whether the grading that will take place in the floodplain is to recreate the old streambed and for wetland mitigation, Mr. DeHaas said that was correct.</p> <p>Councilor Harding referred to written testimony stating that a pond is not shown on the map. Ms. Benjamin said she believed this comment had been discussed at the Planning Commission meeting. The information Ms. Benjamin and her colleagues used to determine wetland impacts was based on three wetland delineations conducted by various consultants that were all concurred with by the Department of State Lands. Since that time, the Library has been constructed and there has been temporary destruction to some of the hydrology due to the outfall from the Library. She said she thought there was some seasonal ponding on the site, which is the typical condition. There are no new wetlands that she is aware of that would be impacted.</p> <p>Councilor Harding referred to written testimony from a citizen stating that "...the DKS traffic study does not appear to include traffic from Fanno Pointe Condominiums in the Hall/Wall intersection analysis. Recent traffic counts at the Hall/Wall intersection find that the DKS study overestimated the traffic going to and from the Library by more than 171%, 192%, 167% and 232% respectively for each of the turn lanes considered in the study..." She asked for the consultant to comment on this as this street will not likely be extended soon and asked for justification for this size of road. Ms. Moyle responded that the DKS study referenced included additional analysis by</p>	

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	<p>DKS to determine the length needed for the road. She referred to information included in the application package that the 360 feet is what is needed to accommodate stacking distance. This included an analysis that was done at the time of the Library; there has been some traffic occurring since then. The study determined that the length was the minimum needed; it could not be any shorter and still accommodate the stacking needed at the signal. Councilor Harding noted that it seemed a little bit like “overkill” without any immediate plans to do any kind of extension. She added she did not know if the full width needs to be constructed, adding costs and maintenance for the lower volume of traffic that will occur at this time. Mayor Dirksen commented that he didn’t see how making the road narrower would be an improvement. Ms. Moyle advised that the sidewalks and bike paths connect to the Fanno Creek Trail, which provides a connection for recreational users. She reiterated the width would accommodate two travel lanes and a turn lane and was the minimum needed to meet the City standard. They did ask for modification on the landscaping to reduce width to avoid additional impact to the wetlands.</p> <p>Councilor Harding asked about the nine designs reviewed and how much more significant would the impact have been on the eight designs as opposed the design selected. Mr. DeHaas responded that the main factors leading to the selection of the proposed design included less impact to wetlands, and for the future alignment and crossing to connect to Hunziker Street. One of the alignments crossed Fanno Creek three times. The alignment was moved a number of times to find the best alignment. Mayor Dirksen recalled reviewing (several months ago) some alignment options for this project during a City Council study session meeting.</p>	

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	<p>Councilor Wilson asked when the “little pond” was added to the Goal 5 inventory. Associate Planner Igarta noted this is called the “west pond” and is on the inventory of significant wetlands per the local wetland inventory performed by Fishman Environmental Services. Based on that wetlands inventory, the pond was identified as significant and included on the wetlands and streams corridor map that identifies significant resources. Planning Manager Bewersdorff said he did not recall the year, but it was done with the last update to the wetland inventory as part of the Goal 5 process, which was probably done sometime around 1998-2000.</p> <p>Councilor Wilson asked Attorney Firestone if the City needs to treat this proceeding as the City would any other private applicant. Attorney Firestone said Council will have to make a quasi-judicial decision, which means it will apply the standards considering the existing facts. If the City Council determines that the applicable standards are met, then the City Council can approve the application. If the City Council finds that applicable standards are not met, then it must either deny or condition the application. Councilor Wilson asked if the standards for making a decision for a Comprehensive Plan Amendment are the same as for a Zone Change. Attorney Firestone said that for a Comprehensive Plan Amendment there are specific things to consider including Statewide Goals and other provisions of the Comprehensive Plan as applicable standards.</p> <p>Councilor Wilson noted standards listed on Page 6 and 7 of the Staff Report regarding Comprehensive Plan Amendments. He asked if he was correct whether the third criterion was the only one applicable to a decision. Attorney Firestone said there were other Comprehensive Plan requirements.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>When dealing with consistency the City Council must essentially look at the entire Comprehensive Plan to determine relevance and consistency. Councilor Wilson noted that when looking at a legislative matter the City Council has a wide latitude to make changes. He said he was troubled by some of things in the Staff Report indicating that because the Library and condominiums were built, joint access is now needed and for that reason a pond must be removed. This argument could be made to fill any wetland. He said that he was hearing other things that seem applicable and would be better reasons to cite for the proposal. As an example, Councilor Wilson noted the thinking has changed (new science) with regard to offline ponds, which would be more of a reason to remove the designation than simply because there has been adjacent construction. Attorney Firestone agreed with Councilor Wilson that the new thinking regarding offline ponds was a supportable finding.</p> <p>Public Testimony:</p> <p>Opponent:</p> <p>John Frewing, 7110 SW Lola Lane, Tigard, OR 97223 testified. Mayor Dirksen advised Mr. Frewing that the City Council had received earlier information submitted by Mr. Frewing. Mayor Dirksen asked the City Council if they had had an opportunity to review this information; City Council members indicated they had reviewed. Mayor Dirksen also advised Mr. Frewing a response to the issues raised had been prepared. Mr. Frewing indicated he saw the response information for the first time this evening and indicated he was not prepared because the responses were not mailed out to the individuals who provided the comments.</p> <p>Mr. Frewing said he did not think the application meets the City rules in a variety of ways. He noted that he had provided "chapter and verse" comments</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>in his written testimony.</p> <p>Mr. Frewing referred to the drawings, Exhibits A, B, C, and D, and said that he had not seen these before and, to the extent that they are new information, he said he would like to review them and compare them with the application. He said that he had reviewed the application and he believes the drawings are different and would like seven days or the applicable amount of time available to review. He said he did not think the 120-day rule applied in this type of application. Attorney Firestone confirmed that the 120-day rule does not apply.</p> <p>Mr. Frewing referred to what he believes was a misleading comment stating that the primary purpose for the SW Wall Street Extension was to provide joint access to the Library and condominiums. He said that as the City Council had heard this evening, the purpose of the major road construction is to provide access to property across Fanno Creek and, perhaps, across the railroad and extending as far as Hunziker Street. He said the summary and the application misstates the purpose seriously. The result is that the applicant (the City staff) has used material for a prior study that looked at alternatives crossing Fanno Creek and ways to get to the property on the other side of Fanno Creek and the other side of the railroad and the alternatives were chosen so as to best make the connection to Hunziker. The alternatives for the joint access of the condominiums and the Library onto Hall Boulevard were not supported by studies. The alternatives related to which one of the routes to Hunziker should be selected. Mr. Frewing said he thought the scope of the analysis was improperly done.</p> <p>Mr. Frewing said he would like to go over to the drawings and point out what he thought would be a reasonable alternative to solve problems. Mr. Frewing referred to Exhibit A and advised that the stated purpose to the application was to provide access to the Library and Fanno Pointe. There needs to be some connection across Pinebrook Creek, which he said he was in agreement. Mr.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Frewing said the simplest thing to do would be to construct a small bridge across Pinebrook Creek from the parking lot of the Library to Fanno Pointe Condominiums. The problem would be resolved as stated in the application. At the same time, he said that he appreciated the fact that there was another property owner on the east side of Fanno Creek who wants access. He said "you have had yourselves or your staff attend meetings with the School District that is looking at the eventual management of property adjacent to the railroad..." or for disposition or other alternatives for the property. Mr. Frewing said that to get access to the property, it would not be across the railroad, but to simply have the School District sell, lease, or provide easement from Hall Boulevard to "here." He added there perhaps could be the proviso that any school bus parking that is eliminated would be facilitated on other property to the south. Mr. Frewing said there were alternatives that have not been considered. He said Tigard does not need to do "all of this expensive engineering work right along Fanno Creek where Washington County, Beaverton, and Tigard have spent so much time and effort trying to develop greenway along the creek."</p> <p>Mr. Frewing summarized that the scope is misstated and the alternatives, therefore are not fair alternatives.</p> <p>Mayor Dirksen commented that other options have been considered with regard to crossing to the property on the other side. The owner of that property has a legal right to a right of way along the southern border of the City's property (Library). The City had an alternative of either trying to make our right of way for the City's use and to also make it potentially useful to this property owner if he chose to exercise that right of way, then what would happen ecologically and practically for the City for access to the Library and to the condominiums. If the City was forced to allow access along that right of way and this would be a better alternative than allowing that already legally required access. The owner of the property on the other side is under no obligation to consider that alternative that Mr.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Frewing mentioned. Mayor Dirksen said he proposed this alternative to the owner and he has not responded; he apparently was not interested. "We could live with dreams, but we choose to live with reality, I think." Mayor Dirksen noted that with regard to the right of way chosen, it is the best alternative based on that requirement and also, as heard earlier, it was the Mayor's opinion that it minimizes the impact on the wetlands as much as possible within the scope as previously discussed.</p> <p>Mayor Dirksen added that with regard to the "primary purpose," he knew that there was a prior Council that was aggressively working with that property owner toward extending the street across Fanno Creek and into the property and across the railroad. He said that this Council has expressed no desire to act as an active participant. The City Council has backed off from that partnership so the only interest at this point, is to allow that owner access to his property. Mayor Dirksen said he understands the Council is now considering road for access to the Library and to the condominiums as required, which is the "primary purpose."</p> <p>Mr. Frewing clarified that when he said there were no alternatives, he meant there were alternatives that were not looked at. He noted that when he looked at the application, the DSL application and the Corps of Engineers application, there was no study of the use of the right of way along the south border of the Tigard property near the Library and there was no study of the access along the railroad track. Those were alternatives that were not considered and should be looked at in as much detail as the nine alternatives that were reviewed that were just slight variations of the angle of Wall Street as it turns off of Hall Boulevard. Mr. Frewing said he accepted the Mayor's statement that there are some other ideas out there that might be better for the City of Tigard and he said he would like to promote those.</p> <p>Mr. Frewing referred to the written comments he submitted to the Council; he advised there was one thing he did not submit, which was relative to the</p>	

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	<p>comment on traffic. Mr. Frewing said that the actual traffic going through the intersection at Hall and Wall is substantially less than the application shows and he said he wanted to submit for the record the data that supports his assertion. He said that on the afternoon of March 13, he sat in his car in the Fanno Pointe parking lot, and from 1600 to 1800, he counted cars going northbound, southbound, turning different ways, including those going in and out of Fanno Pointe Condominiums. He submitted a one-page document entitled, <i>Tigard Wall Street Extension Traffic Observation of March 13, 2006 – John Frewing</i>.</p> <p>Mr. Frewing said that the study done by DKS is no better than what he submitted; they did not look at three weeks of data collection, but they looked at a typical afternoon and he also looked at a typical afternoon. The DKS information was done three years earlier before the Tigard Library was constructed and it was speculative about how much use the Tigard Library would get and it also considered some traffic coming across Fanno Creek as if Wall Street were further extended. Mr. Frewing said “the use of this street for the purposes that you are considering is much, much less than the traffic analyst’s study states.”</p> <p>Mr. Frewing commented on the Pinebrook culvert. He said the hydrology and determining how big the culvert needed to be was based upon the 2003 study done for the culvert on Pinebrook Creek underneath Hall Boulevard, which is 150 feet upstream. He said his assertion is since that earlier work was done, there has been a good bit of development upstream in the Pinebrook Creek watershed. There have been some developments on McDonald Street and others that have been permitted, including those at the very top of Little Bull Mountain at 103rd and Canterbury where there is a new parking lot, which reduces the amount of infiltration. Those changes in watershed conditions should have been evaluated in looking at the culvert design.</p> <p>Mr. Frewing said the current design has new lines,</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>which he said he had not seen before. Mr. Frewing then drew on a white board and said, "If we were to draw a cross section of the culvert, a cross section of the roadway that goes across to Fanno Pointe Condos over Pinebrook Creek, we'd have Pinebrook Creek...would be going down here like this. The roadway would be here like this and...so this is Fanno Creek over here and this is Hall Boulevard over here and here is the newly constructed or proposed roadway and said he forgets if it has sidewalks or not. Over here there is a Fanno Creek trail – but over here the application shows a block wall going down like this and that serves to minimize impact down in here. If they were to do a fill, I mean all this area would be impacted – or put in a culvert. Up here, though, they don't do that and my comment – one of the ones written – is why don't they put a block wall right here also and save this amount of area from being culverted and make that available for viable stream habitat. They just haven't done – haven't made reasonable efforts to minimize impact on the streams..."</p> <p>Mr. Frewing emphasized that just like a private development, as Councilor Wilson noted, an impact study is called for this project. He said he did not think the impact study that was done meets the Tigard Code Section 18.390. He read the following from CDC 18.390:</p> <p style="padding-left: 40px;">The impact study shall quantify the effect of the development on public facilities and services.</p> <p>Mr. Frewing said that "in two short paragraphs on transportation, not one quantification was made. Quantification is to give numbers to it, to say that - maybe you just have to hire an expert and say '38' if you think 38 is the impact; you're supposed to quantify it. You're not supposed it to say 'sort of' or 'bigger' or 'smaller' – quantify it. They did not quantify the impact on transportation. For the parks system impact the total analysis is that the project area is not located within the City's parks system. No quantification. For noise impacts,</p>	

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	<p>similarly. 'The usual noise associated with similar-sized facilities.' No quantification and ignoring a shift in trucking if the road is eventually built across Fanno Creek to the industrial-zoned area on the east side of the stream. The Tigard Code at 18.390 further requires, that 'For each public facility system and type of impact the study shall propose improvements necessary to meet City standards and minimize the impact of development on the public at large, public facilities systems, and affected private-property users.' No such proposed improvements are stated. It just doesn't meet the Code. The Code says that you are supposed to propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, etc. That's an approval criteria; that's not just an information requirement. I know the applicant is well aware of other public facilities and systems which may be affected by the proposed development. There is a state law that says Tigard cannot impose system development charges for schools but there is no state law that says that the impact statement cannot address the impact of the development on schools. Law enforcement was not addressed; the Library was not addressed; natural resources were not addressed. The impact study is seriously deficient in my view. It doesn't meet Code requirements and the application should not be approved."</p> <p>Mr. Frewing said he made several comments about wetlands and buffer areas that relate to the Clean Water Services service-provider letter. Clean Water Services made clear that the place to raise those kinds of comments is here before the local land use process. Mr. Frewing said he has tried to raise those issues and asked that those be addressed.</p> <p>Councilor Sherwood asked Mr. Frewing if he attended the Planning Commission meeting. Mr. Frewing said he did not attend the Planning Commission meeting but he did submit written comments. He said he could not attend the meeting that evening.</p> <p>Rebuttal</p>	

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	<p>Ms. Moyle noted that Mr. Frewing's written comments were addressed that had been submitted to the Planning Commission for that hearing.</p> <p>Ms. Moyle addressed the following points in rebuttal:</p> <ul style="list-style-type: none"> ♦ Mr. Frewing said the exhibits presented to the City Council were new exhibits; however, they are the same exhibits that were presented at the Planning Commission hearing. The exhibits have been in the public record for at least a month and they were available at the hearing. ♦ All of the applicable goals and objectives of the Comprehensive Plan and of Metro are addressed in the application under Section 4. ♦ Traffic - Exhibit 12 of the application package is a DKS letter dated February 21, 2005, which addresses the impacts of the Library and the Wall Street Extension and the minimum amount of Wall Street Extension needed to serve the Library in 2005 data. This information conveys that, based on the volumes that DKS projected, a 100-foot westbound left-turn lane plus 165-foot long transition behind that for a total of 265 feet. An additional 100 feet behind that for the queue, which is the minimal length being proposed: 365 feet. ♦ Impact Study information was presented in Exhibit 8 and was deemed to be acceptable by City of Tigard Planning staff. <p>Mr. DeHaas addressed the following points in rebuttal:</p> <ul style="list-style-type: none"> ♦ Traffic data had been discussed and, even if the numbers were different, two travel lanes and a turning lane would work well for this situation. ♦ The flow study was based on Comprehensive Plan full build out; additional development was anticipated in 	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>the flow quantities.</p> <p>Engineering Manager Nguyen addressed the following points in rebuttal:</p> <ul style="list-style-type: none"> ♦ DKS provided the traffic information. DKS is a certified, professional traffic engineering firm. ♦ Hydrology study issues were brought up. The culvert was “over designed” to accommodate future flow. ♦ Alignment was supported by the Oregon Department of Transportation because it meets spacing requirements for the Hall Boulevard and O’Mara intersections. <p>Ms. Moyle addressed the following point in rebuttal:</p> <ul style="list-style-type: none"> ♦ While the application requests removal of the ponds; part of the ponds will remain. The removal request is for those parts being impacted. The ponds will remain on the map but will be modified to not include the portions impacted by the road. <p>Ms. Benjamin addressed the following points in rebuttal:</p> <ul style="list-style-type: none"> ♦ Clarified that the revisions to the Sensitive Lands Map are more accurately described as “reconfiguring” rather than “removing.” The pond near Hall Boulevard is now essentially a year-round pond that is being proposed to change into a seasonal pond, changing its hydrology. The size and shape of the pond area will remain essentially unchanged; there will be a slight impact at the north edge of the pond. ♦ The length of the culvert is 65 feet and most of the width is necessary because of the width of the Fanno Pointe access road. Even if there was a retaining wall at the upstream edge, it would probably avoid impacting about 15 linear feet of streams. They will be gaining a reduction of impact with a retaining wall at the downstream end. Engineering 	

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	<p>Manager Nguyen added that the proposal would be less disruptive and place less of a burden on the property noting the impacts (footings and construction impacts) if a retaining wall was built.</p> <p>Mayor Dirksen asked if there was anyone who wanted to speak, who had not yet spoken.</p> <ul style="list-style-type: none"> ♦ Fred Fields, 1149 SW Davenport Street, Portland, Oregon, said he has an interest in the property on the "far side of Fanno Creek." He said the pond nearest the Library was built in 1956 by Carl Brieland, who was Vice President of Finance for Jantzen Woolen Mills. Mr. Fields bought the property from Mr. Brieland in about 1965. Mr. Fields and Mr. Brieland had discussed the details for the purpose of the pond, which was built to provide irrigation for Mr. Brieland's garden. Mr. Brieland's property was about seven acres in size. By damming the creek and creating the pond, enough water reservoir was available to irrigate the garden and lawn of this property. Later the house was occupied by Clarence Nicoli, the former Mayor's father. Mr. Nicoli used the water to irrigate as well. Mr. Fields said he thought irrigation had been discontinued in the last few years and that the water is now stagnant. <p>The pond near Hall Boulevard was created by the neighbors and shortly after Mr. Brieland created his pond.</p> <p>Mr. Fields said he has drawings from the 1970's showing a proposed alignment of a street. At that time the street alignment was considered impractical because of wetlands. Since that time, the school bus parking lot and the City Hall property was filled in. As a result, a pond was created.</p> <p>Mr. Fields referred to Exhibit A where a pond was created, about two to three acres in</p>	

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	<p>size, as a result of Unified Sewerage Agency (now Clean Water Services) cutting off part of the creek for a six-foot diameter sewer line that is located about 20 feet underground. Therefore, that is a "man-made" pond also – all three of the ponds were "man made."</p> <p>Mayor Dirksen thanked Mr. Fields for the information.</p> <p>Mayor Dirksen asked staff about the comment that was made that the application did not meet the Code in several areas. If the staff were reviewing this from a private developer, is the comment accurate?</p> <p>Associate Planner Igarta said the application was reviewed as it would be for a private developer. The review was per Code. Mr. Igarta said he believes that applicable review criteria were met by the proposal submitted for SW Wall Street.</p> <p>Planning Manager Bewersdorff said the reason why the application process has taken so long, is that it has had so many reviews and requirements. The street was shortened and impacts to the wetlands were limited based on the staff review. This has taken more than three years. Mr. Bewersdorff said, "We don't hold private development up that long."</p> <p>Associate Planner Igarta said staff finds that the proposed Wall Street extension meets all of the applicable review criteria and presents sufficient evidence to justify the proposed impacts to sensitive lands and the tree removal permit requested and the requested Comprehensive Plan amendment. Staff recommended that the City Council approve the Wall Street extension, subject to the conditions stated in the staff report.</p> <p>Mayor Dirksen closed the public hearing.</p>	

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	<p>Council discussion followed.</p> <p>Councilor Sherwood advised she came on the City Council about three years ago and one of the first land use hearings she attended was for the Wall Street extension and study. She indicated she was satisfied with the information presented in the staff report and thanked Mr. Fields for the history of the property.</p> <p>Councilor Wilson indicated he, too, was satisfied that City staff has addressed the criteria. He noted the unusual requirement for a Comprehensive Plan amendment. He indicated that he was satisfied that the criteria were met as evidenced by a change in the circumstances, particularly in the change of the understanding of the significance of the resource designated a Goal 5 resource as being degraded and man made and not as significant for habitat and in some ways even detrimental to the hydrology of Fanno Creek. He said he was prepared to vote, "yes."</p> <p>Councilor Harding said she appreciated the comments from Mr. Fields about the history of the ponds. She said that would troubles her about this proposal is whether this is the least costly method that can be done for the taxpayers considering what the overall cost of the Library has been. She said she understands the reasons for doing "over-engineering" for future development, she does not see traffic increases requiring a road of "that size." She said she did not know if it would be possible to cross the railroad even within the next 25 years. She questioned whether there was a need to "over-build" the road to "that degree" at this time. She would support having the right of way to be available to build later when it might be necessary; however, she said she could not agree to spending tax money for that large of a project, which is not foreseeable in the near future when there are so many other roads</p>	

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	<p>and transportation issues that need to be addressed. She said she was leaning towards “no” on this application. If she “could see the benefit of it being that big of street, she would lean towards ‘yes.’”</p> <p>Mayor Dirksen advised he heard the consultants say that because of the requirement for a number of turn lanes, sidewalks and bike paths – perhaps it could be slightly narrower street based on today’s needs. He questioned whether it would be appreciably narrower and make much of a difference either to the cost or impact. There is also the consideration for future use. Mayor Dirksen referred to current traffic volumes mentioned by Mr. Frewing and that the street does not need to be as big. However, he said if the City Council were to make “the opposite decision, anyone who chose to find fault with whatever we do, could just as eagerly argue that we’re not planning for future needs...”</p> <p>Councilor Harding questioned whether it was necessary to “put the asphalt down” as “25 years is a long time.” She reiterated she did not see the road crossing the railroad tracks in the foreseeable future.</p> <p>Mayor Dirksen complimented the staff and consultants on what he thought was an extremely comprehensive ecological study. The project will restore and enhance this area into a much more valuable natural area than it is now. He agreed with Councilor Wilson’s comments that the area has been excessively degraded over the years by other uses and this project will bring it back to a more natural state that will be appreciated by the people who live in this area but also by people who visit the Library and enjoy the open space. As the Fanno Creek trail extends through this area – it’ll just be better all around. This project meets the requirements established up front when the</p>	

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	<p>City Council approved the condominium development to get rid of the driveway onto Hall Boulevard. The project improves the wetlands and stream corridor. The project allows for the final configuration of the Library parking lot and for the storm water retention as it was designed. The project also meets the legal and contractual obligations that the City has to Mr. Fields. There are at least four or five benefits to this project and, for that reason, he will vote "yes."</p> <p>Councilor Wilson elaborated on a comment by Mayor Dirksen noting that this issue has been discussed a lot over the last three years in various public settings to review engineering and the different options to meet requirements of the Library construction and to meet legal obligations with regard to the purchase of the Library property. The City Council did discuss not pursuing this further and allowing Mr. Fields to have his legal access on the south end of the property; if the City had done this, there would have been a worse result and one that would not be necessarily a public street and would preclude the future extension of Wall Street, which is on the City's Transportation System Plan. By slightly realigning an access that could serve as access to Mr. Field's property, which is his legal right, if it were to be extended, it could serve both that property and the public in the future with one crossing of Fanno Creek. He said he believed it was in the public's interest to do it this way.</p> <p>Attorney Firestone advised there were procedural issues the City Council might want to consider. Mr. Frewing asked for time to submit additional materials. Attorney Firestone said the City Council could choose to grant additional time; however, this is not the initial evidentiary hearing, so the granting of additional time is not required. Also, Mr. Frewing primarily referred to the four maps that were presented at the Planning</p>	

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	<p>Commission.</p> <p>Attorney Firestone said a second procedural issue was that the City Council could make a final decision tonight adopting the findings that are before it. The City Council could also choose to make a tentative decision giving directions for supplemental findings if it believes that supplemental findings would be necessary to address any of the issues raised tonight.</p> <p>Councilor Harding said she was not convinced that changes in the floodplain maps have not been addressed. Mayor Dirksen said the professional consultants who say what has been done is suitable and "I have to go with that."</p> <p>Councilor Harding said that a many times that agencies have different information. She said with infill, the floodplain was raised and there are runoff issues in the City, which are of concern to her.</p> <p>ORDINANCE NO. 06-05 – AN ORDINANCE APPROVING SENSITIVE LANDS REVIEW SLR2004-00003 AND SLR2006-00001, TREE REMOVAL TRE2006-00001 THROUGH 2006-00009, AND COMPREHENSIVE PLAN AMENDMENT CPA2004-00001 TO REMOVE GOAL 5 PROTECTION FROM THE RESOURCES TO BE IMPACTED BY CONSTRUCTION OF SW WALL STREET AND TO ADD NEWLY CREATED AND RESTORED WETLAND AND RIPARIAN RESOURCES TO THE INVENTORY OF LOCALLY SIGNIFICANT SITES</p> <p>Mayor Dirksen allowed Mr. Fields to address the Council. Mr. Fields said he thought more history might be appropriate. He said the City came to him about the Library property about four or five years ago. At that time several</p>	

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	<p>sites were under consideration. Mr. Fields said this property had not been offered for sale except for when he purchased it in the 1960's and 1970's. Mr. Fields said that since the City Hall property was across the street, it seemed appropriate that the City should have the property for the Library. This property and other sites were appraised. Mr. Fields said he agreed to sell the property to the City and accepted the City's appraisal as to the value of the property. He also owned the property "on the other side of Fanno Creek" and he needed access to this property. He told City representatives that he could not sell the property for the Library and give up access to that property. As long as the access was available to him, he was amenable to selling the Library property to the City. The City agreed to this. He said it was an entirely different City Council and he said he "could appreciate that everyone could change their mind, everybody could second guess...but mind you, that has been over three years now. I've waited all that time. The City has built their Library and has been in operation well over a year, and I have one...bit of anything that has resulted in my favor. And, I've been going to these things for these long years. And, I probably won't live forever, but I plan to live to be 100...There have been very practical reasons for what the City has done and what I did. I hope you understand."</p> <p>Mayor Dirksen told Mr. Fields, "We love the property and we love the Library on it. It is a great addition to the City."</p>	
<p>7. Consider Participation in the Proposed Willamette River Water Coalition (WRWC) Projects</p>	<p>Presentation to the City Council by Public Works Director Koellermeier and Intergovernmental Water Board (IWB) Chair Scheiderich.</p> <p>The Tigard Water Service Area needs to decide whether it wishes to participate in two proposed Willamette River Water Coalition Projects:</p> <ol style="list-style-type: none"> 1. City of Sherwood's expansion of the Willamette 	<p>Motion by Councilor Sherwood, seconded by Councilor Wilson, to authorize the City Manager to sign a letter to WRWC expressing the City Council's opinion that aligns with the IWB recommendations regarding the two proposed</p>

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	<p>River water supply system.</p> <p>2. Tualatin Valley Water District's (TVWD) expansion of the Willamette River water supply system.</p> <p>The IWB recommends the Tigard Water Service Area (TWSA) decline to participate in the Sherwood expansion as this project would be of little direct benefit to TWSA customers.</p> <p>The IWB supported participation of the TWSA in the TVWD's project. The IWB is aware that the City of Tigard has a Charter amendment requiring voter approval to use the Willamette River as a drinking water source, but recommends that the City invest in these improvements and, if necessary, recover the investment by leasing the facilities to others. The TWSA will also need to reserve the right to adjust the participation level based on upcoming decisions related to other water sources. The TVWD has indicated its willingness to work with the TWSA within the context of these constraints.</p> <p>Copies of the staff report and letters from IWB Chair Scheiderich stating the IWB's recommendation on the above two projects are on file in the City Recorder's office.</p> <p>Councilor Wilson noted some of the key critics regarding the use of Willamette River water have changed their opinion. He referred to the fact that securing future water sources will be complex decisions and supported keeping options open. Participation in the TVWD project will not circumvent the direction from voters (Charter provision on use of Willamette River water.)</p> <p>Mayor Dirksen noted Councilor Woodruff forwarded a note to him stating he was sorry he could not attend tonight's meeting. His position is "we should continue to work with all our partners until all of our choices are clearly delineated." Councilor Woodruff said he was opposed to a significant increase in a financial investment</p>	<p>WRWC projects.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>regarding the Willamette as the implication would be that we were moving the City down that road prior to the required vote. He said that he did not want the City to have spent large amounts of money without voter approval that this is the direction they want us to go. Councilor Woodruff also noted that he hoped that the Lake Oswego study will reveal that the Clackamas is the best equity option and that we can rely on that along with Bull Run to meet our needs over the next 20-30 years.</p> <p>Councilor Harding said she agreed with Councilor Woodruff's comments but she also stated that the City needs to remain cognizant of future needs</p> <p>Councilor Sherwood said she disagreed with Councilor Woodruff insofar as the City needs to stay connected for future options.</p> <p>Public Works Director Koellermeier advised that a 10-year water contract with the City of Portland takes the pressure off and the City can move more slowly in considering long-term options. He advised that TVWD would like to begin right-of-way acquisition.</p> <p>Mayor Dirksen agreed that the City should not cut itself off from other options. He referred to the IWB letter from Chair Scheiderich, which suggested there might be an opportunity to recoup costs through leasing.</p> <p>Public Works Director Koellermeier advised if the City Council concurs with the IWB's recommendation, a letter would be prepared echoing the same messages contained in the two letters in the City Council packet from IWB Chair Scheiderich. Mayor Dirksen noted he thought the messages contained in these two letters were good.</p>	
8. Report from Mayor and Council Members on the National	This item was not discussed due to the lateness of the hour. (City Recorder's note: This was discussed on May 23, 2006.)	

Agenda Item	Discussion & Comments	Action Items (follow up)								
League of Cities Congressional City Conference										
9. Council Liaison Reports	None.									
10. Non Agenda Items	<p>A request for a work session review regarding storage of “nuisance” items on property was requested by Bill Scheiderich. Councilor Wilson added that he was concerned with the number of shopping carts left about throughout the community and questioned whether there was some way this could be addressed.</p> <p>Upcoming calendar items as listed on the City Council agenda were reviewed.</p> <p>Council discussed its goal for increasing interaction with youth. Ideas included participating in school-year kick-off functions at the beginning of the year, City Council/city representatives speak at government classes (civics), offering services when requested by teachers or administrators.</p> <p>The Youth Summit was a good event; however, it only occurs once a year.</p>	<p>Mayor Dirksen suggested this request be forwarded to Interim Community Development Director Coffee</p>								
Adjournment	The meeting adjourned at 10:24 p.m.	<p>Motion by Councilor Sherwood, seconded by Councilor Wilson, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes
Mayor Dirksen	Yes									
Councilor Harding	Yes									
Councilor Sherwood	Yes									
Councilor Wilson	Yes									

Catherine Wheatley
Catherine Wheatley, City Recorder

Attest:

C. A. DL
Mayor, City of Tigard
Date: 6.13.06

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